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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
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14 BRAYDEN STARK and JUDD OOSTYEN, on
behalf of themselves and all others similarly
15 situated,

16 Plaintiffs,

17 v.

18 PATREO, INC.,

19 Defendant.
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Case No. 3:22-cv-03131-JCS

**DECLARATION OF TREVOR T. TAN IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

I, Trevor T. Tan, hereby declare under penalty of perjury:

1. I am an attorney at the law firm of Girard Sharp LLP and represent Plaintiffs Brayden Stark and Judd Oostyen (“Plaintiffs”) in this action. I have personal knowledge of the facts stated in this declaration and, if called to do so, could and would testify competently thereto.

2. I submit this declaration in support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed.

3. Paragraph 13.3 of the Stipulated Protective Order requires materials designated as “Confidential” (“Protected Material”) to be filed under seal. Protected Material includes information (regardless of how it is generated, stored or maintained) or tangible things that qualify for protection under Federal Rule of Civil Procedure 26(c). *See* Stipulated Protective Order, ¶¶ 2.3, 2.15, Dkt. No. 29.

4. The following portions of Plaintiffs’ Opposition to Patreon’s Motion for Summary Judgment and certain exhibits thereto contain, summarize or reflect the content of materials that Patreon has designated as Protected Material pursuant to the Stipulated Protective Order, or which potentially reflect confidential, proprietary, or private information:

Document	Description	Designating Party
Motion	Plaintiffs’ Memorandum of Points and Authorities in Opposition to Defendant Patreon Inc.’s Motion for Summary Judgment on First Amendment Grounds: Page 2, lines 16-22; Page 3, lines 2-8; Page 12, lines 8-12; Page 21, lines 6-12	Patreon and Nonparty Meta Platforms, Inc.
Exhibit C	PATREON_004271	Patreon
Exhibit D	Deposition Transcript of Melissa Montgomery	Patreon
Exhibit E	PATREON_003728	Patreon
Exhibit F	Deposition Transcript of John Principe	Patreon
Exhibit G	PATREON_005899	Patreon
Exhibit H	Deposition Transcript of Jason Byttow	Patreon

Document	Description	Designating Party
Exhibit I	PATREON 019019	Patreon
Exhibit V	META STARK 002	Nonparty Meta Platforms, Inc.

5. Plaintiffs agree that there are compelling reasons to seal Exhibit I, and the corresponding portions of Plaintiffs' Opposition to Patreon's Motion for Summary Judgment that rely on that material, because it reveals Plaintiffs' private consumption of video content on Patreon's website. With that exception, Plaintiffs take no position at this time on whether any of these designated portions satisfy the requirements for sealing, and specifically reserve the right to challenge any designation under the Stipulated Protective Order as well as the propriety of sealing any of these materials under Civil Local Rule 79-5 and applicable law.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of December, 2023, in San Francisco, CA.

/s/ Trevor T. Tan

Trevor T. Tan

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record. I also certify that I caused the under seal documents to be served on counsel *via electronic mail*.

/s/ Trevor T. Tan

Trevor T. Tan